

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JARED ANDREW MARTIN,

Plaintiff,

v.

NOAH MARSHALL, et al.,

Defendants.

Case No. 1:22-cv-00681-AWI-EPG

ORDER VACATING FINDINGS AND
RECOMMENDATION

(ECF No. 12)

ORDER DIRECTING CLERK OF COURT TO
CLOSE CASE IN LIGHT OF PLAINTIFF'S
NOTICE OF VOLUNTARY DISMISSAL

(ECF No. 13)

On July 6, 2022, this Court issued findings and recommendations that Plaintiff's complaint be dismissed without leave to amend based on the *Younger*¹ abstention doctrine and Plaintiff's failure to state a claim of malicious prosecution. (ECF No. 12). On July 19, 2022, Plaintiff filed a notice of voluntary dismissal (ECF No. 13), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), as Defendants have not filed an answer or motion for summary judgment. In light of Plaintiff's notice of voluntary dismissal, this case has ended.² Accordingly,

¹ *Younger v. Harris*, 401 U.S. 37 (1971).

² Plaintiff states that he does not object to the findings and recommendations to dismiss his complaint but asks that the dismissal be without prejudice so that he may later bring his civil claims after his criminal case is resolved. Rule 41(a)(1)(b) governs the effect of a notice of voluntary dismissal: "Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits." The Court notes that Plaintiff may have another federal action based on or including the same claims, 1:22-cv-698-AWI-SKO. Accordingly, Plaintiff's ability to reassert his

1 this Court vacates the July 6, 2022 findings and recommendations (ECF No. 12), and the Clerk of
2 Court is respectfully directed to close the case.

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4 IT IS SO ORDERED.

5 Dated: July 20, 2022

/s/ Eric P. Groj
6 UNITED STATES MAGISTRATE JUDGE

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dismissed claims in this action may depend on whether he voluntarily dismisses similar claims in another
pending or future action.